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**POSITION PAPER
SUBMITTED BY THE DELEGATION OF THE REPUBLIC OF CUBA
ON BEHALF OF
THE MEMBER STATES OF THE NAM THAT ARE STATES PARTIES TO THE
CHEMICAL WEAPONS CONVENTION AND CHINA,
TO THE SECOND SPECIAL SESSION OF THE
CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF
THE CHEMICAL WEAPONS CONVENTION
THE HAGUE, 7 – 18 APRIL 2008**

INTRODUCTION

Ten years after its entry into force, the Chemical Weapons Convention (hereinafter “the Convention”) is a unique multilateral agreement which bans an entire category of weapons of mass destruction in a non-discriminatory and verifiable manner, under strict and effective international control. The Convention is a major contribution to international peace and security as it mandates the elimination of chemical weapons, sets new standards for global disarmament, enhances verification compliance, provides assistance and protection against chemical weapons, and promotes international cooperation in the chemical field for purposes not prohibited under the Convention.

The group of States Parties to the Convention that are members of the Non-Aligned Movement, and China (hereinafter “the NAM CWC States Parties and China”), wish to state their position regarding some aspects of the Chemical Weapons Convention that are of special interest to the group:

- I. Preamble and International Security
- II. Destruction of Chemical Weapons and Destruction or Conversion of Chemical Weapons Production Facilities
- III. Universality
- IV. National Implementation Measures
- V. Assistance and Protection against Chemical Weapons
- VI. Full Implementation of Article XI



VII. Verification Activities of the Convention

I. PREAMBLE AND INTERNATIONAL SECURITY

1. The NAM CWC States Parties and China stress that the existence of weapons of mass destruction poses a serious threat to international peace and security.
2. The NAM CWC States Parties and China reiterate their long-standing principled position for the achievement of general and complete disarmament, under strict and effective international control, including the prohibition of all weapons of mass destruction.
3. The NAM CWC States Parties and China stress that the balanced, effective and non-discriminatory implementation of all provisions of the Convention is fundamental to the achievement of its object and purpose, as well as to the promotion of the peace and security as a whole, and reiterate their commitment to the full, effective and non-discriminatory implementation of the Convention.
4. The NAM CWC States Parties and China reaffirm that the OPCW, as the competent multilateral organisation, provides a solid mechanism for States Parties to consult one another and to cooperate in solving any problems which may arise in relation to the object and purpose of the Convention and its implementation.

II. DESTRUCTION OF CHEMICAL WEAPONS AND DESTRUCTION OR CONVERSION OF CHEMICAL WEAPONS PRODUCTION FACILITIES

5. The NAM CWC States Parties and China call for the destruction of all chemical weapons stockpiles by the possessor States Parties and reiterate the importance of the total elimination of all types of weapons of mass destruction, in line with the first preambular paragraph of the Convention.
6. The NAM CWC States Parties and China note the significant advances by some possessor States Parties in the destruction of their chemical weapons stockpiles since the First Review Conference. Nevertheless, they express their serious concern about the pace of destruction of chemical weapons in light of the approaching final deadlines, as extended by the Eleventh Conference of the States Parties and the fact that 60% of the total amount of declared chemical weapons is still to be destroyed. In this context, the NAM CWC States Parties and China firmly believe that it is imperative for the major possessor States Parties to ensure compliance with the final extended deadline for the destruction of their chemical weapons, in order to uphold the credibility and integrity of the Convention. Every necessary measure to ensure the completion of destruction of the chemical weapons stockpiles by the final extended deadline should be taken by the major possessor States Parties.
7. The NAM CWC States Parties and China reiterate that the obligation and responsibility regarding the destruction of chemical weapons lie solely with the possessor States Parties, and that fulfilment of this obligation is essential to the achievement of the object and purpose of the Convention.

8. The NAM CWC States Parties and China reaffirm the importance of the destruction of abandoned chemical weapons for the full realisation of the object and purpose of the Convention, and call upon abandoning States Parties to make the fullest possible efforts to complete destruction, in accordance with the provisions of the Convention and with the relevant decisions of the Executive Council.

III. UNIVERSALITY

9. The NAM CWC States Parties and China reiterate that the universality of the Convention is fundamental to the achievement of its object and purpose and to the enhancement of international peace and security. They underline that the goal of universality is to be pursued by the Technical Secretariat, as well as by all States Parties as a matter of high priority.
10. The NAM CWC States Parties and China state their satisfaction at the steady increase in the number of States joining the Convention, which has now reached 183, and will continue to support appropriate activities to promote the universality of the Convention, including those related to the action plan for the universality of the Convention and subsequent decisions adopted by the Executive Council and the Conference of the States Parties.
11. The NAM CWC States Parties and China consider that the effective contribution of the Convention to international and regional peace and security can be enhanced through the universality of the Convention. Furthermore, they express concern about the fact that there remains a total of 12 States not Party to the Convention, including 5 signatory States and 7 non-signatory States, and call upon all States not Party to join the Convention, particularly those whose non-adherence to the Convention is a cause for serious concern.
12. The NAM CWC States Parties and China reaffirm that the promotion of the universality of the Convention and the full, effective, and non-discriminatory implementation of all provisions of the Convention are of particular importance to contribute to global anti-terrorism efforts in the context of the Convention.

IV. NATIONAL IMPLEMENTATION MEASURES

13. The NAM CWC States Parties and China acknowledge that considerable progress has been made in the implementation of Article VII since the adoption of the action plan regarding the implementation of Article VII obligations. They also acknowledge, with appreciation, the increase in the number of States Parties that are in the process of enacting the necessary legislation.
14. The NAM CWC States Parties and China also consider that progress towards national implementation measures under Article VII by the States Parties concerned shows a willingness and seriousness on their part to fully implement the action plan and to follow up decisions.

15. The NAM CWC States Parties and China consider that the Technical Secretariat should continue its constructive engagement, including the provision of all possible assistance to the States Parties in the process of the implementation of the action plan.
16. The NAM CWC States Parties and China stressed that the provision of all possible assistance and technical support to States Parties, at their request, is the best way to effectively realise the objectives of the action plan, taking into account the distinctive character of the States Parties' legislative processes in the context of the implementation of Article VII.
17. The NAM CWC States Parties and China consider that the Technical Secretariat should continue making efforts to assist the States Parties to overcome, amongst others, the practical difficulties and resource constraints encountered by them in the implementation of the action plan.
18. The NAM CWC States Parties and China underline that the national implementation also necessitates that the States Parties shall take measures to ensure free trade in chemicals, as well as international cooperation and exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under the Convention.

V. ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS

19. The NAM CWC States Parties and China reaffirm the importance of Article X of the Convention, and of the activities of the OPCW to maintain and develop a state of readiness to provide a timely, adequate, and effective assistance to the States Parties in the event of use or threat of use of chemical weapons against them.
20. The NAM CWC States Parties and China reaffirm the important undertaking of the States Parties to facilitate, and their right to participate, in the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons. They stress the importance of the role of the OPCW in assisting States Parties, concerning the needs faced by the victims of chemical weapons.
21. The NAM CWC States Parties and China encourage all States Parties to fully implement their obligations under Article X. They stress the need for all States Parties, and in particular those in a position to do so, to contribute to the Voluntary Fund for Assistance on a regular basis, to ensure the ability of the Technical Secretariat to respond positively to the increasing demand of States Parties for assistance, particularly to the victims of chemical weapons.
22. The NAM CWC States Parties and China call upon those States Parties that are in a position to do so to render assistance to other States Parties, in its diversified forms and manners, both through the Technical Secretariat and bilaterally.

VI. FULL IMPLEMENTATION OF ARTICLE XI

23. The NAM CWC States Parties and China stress that full implementation of Article XI is essential for the realisation of the object and purpose of the Convention.
24. The NAM CWC States Parties and China, given that each and every article of the Convention bears the same value and significance, stress the importance of compliance with Article XI for the implementation of the Convention in its entirety.
25. The NAM CWC States Parties and China reaffirm the importance of international cooperation in the field of chemical activities for purposes not prohibited under the Chemical Weapons Convention, including the international exchange of scientific and technical information and chemicals and equipment for the production, processing, or use of chemicals for purposes not prohibited under this Convention.
26. The NAM CWC States Parties and China, recall C-10/DEC.14, dated 11 November 2005, on the full implementation of Article XI, the recommendation made by the Eleventh Conference of the States Parties to explore all options and submit concrete measures for the full implementation of Article XI (C-11/5, dated 8 December 2006, paragraph 17.2) and decision C-12/DEC.10, dated 9 November 2007, on the full implementation of Article XI which requested the Council, pursuant to previous decisions, to continue its intensive consultations at regular intervals to develop concrete measures, within an agreed framework, to ensure the full implementation of Article XI, and to report back to the Conference at its Thirteenth Session for consideration; and reaffirm the commitment of States Parties to ensure the full implementation of Article XI.
27. The NAM CWC States Parties and China reiterate that the “Indicative Elements of a Plan of Action on the Full Implementation of Article XI” (C-12/NAT.1, dated 6 November 2007), can be further developed as a good basis for the continuation of consultations on this important subject.
28. The NAM CWC States Parties and China express their firm conviction that a plan of action is the best tool to ensure the full implementation of Article XI as a fundamental pillar of the Convention.
29. The NAM CWC States Parties and China reaffirm their commitment to the full implementation of Article XI, especially in the light of scientific and technological developments in the field of chemistry which increase the potential for cooperation amongst States Parties and render such activities critical for strengthening the Convention. They are convinced for the most part that those States Parties that are the most advanced in this field should adopt positive steps aimed at promoting international cooperation and transfer of technology, on an equal and a non-discriminatory basis, particularly with countries less advanced in this field, thus promoting the basic objectives of this Convention.
30. The NAM CWC States Parties and China stress that States Parties shall not maintain among themselves any restrictions, including those in international agreements, incompatible with the obligations undertaken under the Convention, which would restrict or impede trade and the development and promotion of scientific and

technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical, and other peaceful purposes.

31. The NAM CWC States Parties and China call upon States Parties not to use the Convention as grounds for applying any measures other than those provided for, or permitted, under the Convention, nor any other international agreement for pursuing an objective inconsistent with the Convention.
32. The NAM CWC States Parties and China recall that, according to Article XI of the Convention, the provisions of the Convention shall be implemented in a manner which avoids hampering either the economic or technological development of States Parties or international cooperation in the field of chemical activities for purposes not prohibited under the Convention, including the international exchange of scientific and technical information and chemicals and equipment for the production, processing, or use of chemicals for purposes not prohibited under the Convention.
33. The NAM CWC States Parties and China reiterate their position that undue restrictions amongst States Parties on the exchange of technology, materials, and equipment for peaceful purposes are against both the letter and spirit of the Convention and affect its long-term viability. Based on that, they call once more on developed countries to promote international cooperation through the transfer of technology, material, and equipment for peaceful purposes in the field of chemistry and to remove all and any discriminatory restrictions in the field of trade in chemicals, equipment, and related technologies for peaceful purposes.
34. The NAM CWC States Parties and China uphold the right of the States Parties, stated in Article XI of the Convention, to conduct research with, to develop, produce, acquire, retain, transfer, and use chemicals, as well as the right to participate in the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention.
35. The NAM CWC States Parties and China consider that the international cooperation programs of the OPCW should foster economic and technological development through international cooperation in the field of chemical activities for purposes not prohibited under the Convention, in accordance with the provisions of Article XI, and should, in particular, contribute to the development of States Parties' capacities to implement the Convention.
36. The NAM CWC States Parties and China note with concern the increasing gap between the developed and the developing countries in the field of chemistry. They call upon States Parties, especially developed countries, to increase their scientific and technological cooperation with developing countries in the peaceful uses of chemistry on a non-discriminatory basis. Such cooperation should include, inter alia, the transfer and exchange of information, training of personnel, and transfer of materials and equipment on a systematic and long-term basis.
37. The NAM CWC States Parties and China call for a steady increase, on an annual basis, of funding for the OPCW's international cooperation and assistance programs through the regular budget in order to meet the ever-increasing demand.

VII. VERIFICATION ACTIVITIES OF THE OPCW

38. The NAM CWC States Parties and China consider that the verification regime of the OPCW meets the requirements of the Convention and plays an important role for the credibility of the implementation of all provisions of the Convention, as well as providing a reliable instrument to ensure that States Parties are complying with their obligations under the Convention. They acknowledge that steady progress has been made towards increasing the effectiveness and efficiency of the verification system.
39. The NAM CWC States Parties and China consider that such a verification mechanism, along with States Parties' commitment under the Convention, provides the confidence needed for free trade in chemicals as well as international cooperation for peaceful purposes, including the international exchange of information and chemicals and equipment for the production, processing, or use of chemicals for purposes not prohibited by the Convention. They reaffirm the importance of assuring that the verification provisions of the Convention continue being implemented in a manner that avoids hampering the economic or technological development of the States Parties.
40. The NAM CWC States Parties and China reiterate that, in conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the chemical activities of States Parties for purposes not prohibited under the Convention and, in particular, shall abide by the provisions set forth in the Annex on the Protection of Confidential Information.
41. The NAM CWC States Parties and China reiterate that the verification regime under Article VI must correspond to the hierarchy of risks inherent in the respective category of chemicals, and they underscore the need to uphold the principle that establishes that facilities posing most risk to the object and purpose of the Convention retain the central attention of the verification measures.
42. The NAM CWC States Parties and China reiterate the call for a fair and reasonable site-selection methodology for the inspection of other chemical production facilities that could be endorsed by all States Parties to the Convention, and consider that consultations on this matter, as well as on the frequency of inspections should be resumed at the earliest possible date.
43. The NAM CWC States Parties and China note with satisfaction that no case of non compliance has been reported up to now, and that no challenge inspections or investigations of alleged use have been requested.
44. The NAM CWC States Parties and China reiterate that a challenge inspection is an instrument to be used as a last resort and under exceptional circumstances. They are of the view that the consultation and clarification procedure is an integral part of Article IX, which shall precede any request for a challenge inspection. Any abuse of this provision would jeopardise the trust among States Parties and would be contrary to the letter and spirit of the Convention.

45. The NAM CWC States Parties and China stress the need for the Executive Council to urgently develop recommendations for the resolution of the still outstanding issues pertaining to the Convention's verification regime, including those regarding challenge inspections, and to submit draft decisions to the Conference as early as possible.

Annex:

List of States Parties to the Convention that are Member States of the Non-Aligned Movement

Annex**List of States Parties to the Convention that are Member States of the Non-Aligned Movement**

Afghanistan	Ghana	Panama
Algeria	Grenada	Papua New Guinea
Antigua and Barbuda	Guatemala	Peru
Bahrain	Guinea	Philippines
Bangladesh	Guyana	Qatar
Barbados	Haiti	Rwanda
Belarus	Honduras	Saint Lucia
Belize	India	Saint Kitts and Nevis
Benin	Indonesia	Saint Vincent and the Grenadines
Bhutan	Iran (Islamic Republic of)	Sao Tome and Principe
Bolivia	Jamaica	Saudi Arabia
Botswana	Jordan	Senegal
Brunei Darussalam	Kenya	Seychelles
Burkina Faso	Kuwait	Sierra Leone
Burundi	Lao People's Democratic Republic	Singapore
Cambodia	Lesotho	South Africa
Cameroon	Liberia	Sri Lanka
Cape Verde	Libyan Arab Jamahiriya	Sudan
Central African Republic	Madagascar	Suriname
Chad	Malawi	Swaziland
Chile	Malaysia	Tanzania
Colombia	Maldives	Thailand
Comoros	Mali	Timor-Leste
Congo	Mauritania	Togo
Côte D'Ivoire	Mauritius	Trinidad and Tobago
Cuba	Mongolia	Tunisia
Democratic Republic of the Congo	Morocco	Turkmenistan
Djibouti	Mozambique	Uganda
Dominica	Namibia	United Arab Emirates
Ecuador	Nepal	Uzbekistan
Equatorial Guinea	Nicaragua	Vanuatu
Eritrea	Niger	Venezuela
Ethiopia	Nigeria	Viet Nam
Gabon	Oman	Yemen
Gambia	Pakistan	Zambia
		Zimbabwe